

REMARKS

Second Supplemental Information Disclosure Statement

A Second Supplemental Information Disclosure Statement (IDS) is being filed concurrently. Entry of the Second Supplemental IDS in the referenced application is respectfully requested.

Certified Foreign Priority Document

A certified copy of the foreign priority document, European Patent Application Number 00126325.0, filed December 1, 2000, is being filed concurrently. Entry of the certified copy of European Patent Application Number 00126325.0 in the referenced application is respectfully requested.

Second Substitute Sequence Listing

A Second Substitute Sequence Listing is being filed concurrently in order to correct the priority data in field <141> of the substitute sequence listing mailed to the U.S. Patent Office on February 22, 2002. Entry of the Second Substitute Sequence Listing in the referenced application is respectfully requested.

Traversal of the Restriction Requirement

The Examiner states that the "inventions are distinct" and that "[b]ecause the inventions are distinct for the reasons given . . . and have acquired a separate status in the art as shown by their different classification and divergent subject matter, restriction for examination purposes as indicated is proper" (Office Action, page 5).

However, as indicated in the MPEP:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions (MPEP 803, 8th edition, page 800-4, column 1).

The claims in Groups I and III-X have "RNA of from about 21 to about 23 nucleotides that mediates RNA interference" as a central feature. There is substantial overlap in the subject matter of the claims in Groups I and III-X. Therefore, even though the claims in Groups I and III-X are directed to distinct and independent inventions, a search of these claims can be made without serious burden.

Alternatively, Applicants have elected the product claims of Group I. Consequently, if the product claims are subsequently found allowable, Applicants request rejoinder of claims directed to the process of producing the product (Claims 9-11 and 13-16) in Group III.

CONCLUSION

If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned at (978) 341-0036. Please charge any fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

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